

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:09-CR-216-FL-8

ORDER

This case comes before the court on the motion of defendant Ziyad Yaghi (D.E. 732) to extend by 60 days the deadlines for the following:

(1) his objections or consent to the government's proposed changes to government-designated existing transcripts (*see* Revised Pretrial Schedule (D.E. 479) 2, Event ("Event") no. 6);

(2) any motions by him regarding general discovery and sensitive but unclassified ("SBU") discovery (Event no. 7);

(3) any motions by him regarding foreign depositions pursuant to Rule 15 (Event no. 8); and

(4) any designations and proposed changes by him regarding existing transcripts (Event no. 9).

The current deadline for each of these events is 31 January 2011. The government has indicated that it does not oppose the requested extensions if it is given an equivalent extension on any corresponding deadlines applicable to it.

The court finds that Yaghi has shown good cause for extension of each of these deadlines by a month but, at this point, not the full 60 days requested. This Order is without prejudice to Yaghi's moving for the balance of the 60-day extension requested prior to expiration of the extension provided for herein. Any motion for a further extension must show a diligent effort to complete the various tasks at issue during the extended period allowed herein.

The court also finds that the government has shown good cause for extension of its deadlines (Events nos. 11 and 12) corresponding to the second and third deadlines for defendant set out above (Events nos. 7 and 8). (There is no deadline for the government corresponding to the first deadline for defendant (Event no. 6)). With respect to the fourth deadline for defendant (Event no. 9), the government has not, at this point, shown good cause because its corresponding deadline (Event no. 17) is not until 29 April 2011. As with defendant, this ruling is without prejudice to the government's renewing its request for the extension at an appropriate time in the future.

For the foregoing reasons, defendant's motion (D.E. 732) is GRANTED IN PART and DENIED IN PART. Each of the four deadlines for defendant listed above (Events nos. 6-9) is extended to 28 February 2011.¹ Two corresponding deadlines for the government are extended to 14 March 2011: the deadline for its response to any motion by defendant related to general and SBU discovery (Event no. 12) and the deadline for its response to any motion by defendant regarding foreign depositions (Event no. 11).

SO ORDERED, this 28th day of January 2011.



James E. Gates
United States Magistrate Judge

¹ The court notes that it has already entered today an order (D.E. 751) allowing a joint motion (D.E. 727) by all defendants, including defendant Yaghi, to extend the time to make designations from the SBU recordings of the material they may use at trial. (See Event no. 9). That extension overlaps with and is consistent with the extension of the deadline for Event no. 9 provided for herein.